

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF AT&T WIRELESS PCS, INC.,)	
ACTING BY AND THROUGH ITS AGENT,)	
WIRELESS PCS, INC., FOR THE ISSUANCE FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY TO CONSTRUCT A PERSONAL)	CASE NO.
COMMUNICATIONS SERVICES NETWORK)	98-535-UAC
FACILITY IN COLD SPRING, KENTUCKY AND)	
CALLED THE COLD SPRING/ART'S RENTALS)	
SITE, SITE #CN-234-03)	

O R D E R

On October 23, 1998, AT&T Wireless PCS, Inc. ("AT&T Wireless") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility is to be located at 5025 Alexandria Pike (US 27), Cold Spring, Campbell County, Kentucky. The coordinates for the proposed facility are North Latitude 39° 0' 20.15" by West Longitude 84° 25' 30.85". AT&T Wireless has notified the Commission that SprintCom, Inc. intends to place its antennas on the proposed facility.

AT&T Wireless has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.987, AT&T Wireless has submitted a copy of the uniform application to the Cold Spring Planning and Zoning Commission (Planning Commission). The Planning Commission filed comments regarding the proposed construction. AT&T Wireless notified the Commission of its acceptance of the Planning Commission's recommendation. No further comments have been filed by the Planning Commission. In addition, the Campbell County Planning Commission requested and was granted intervention in this matter.

AT&T Wireless has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both applications have been approved.

AT&T Wireless has filed evidence of having given the appropriate notices pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. The Commission received comments from several property owners and one property owner requested and was granted intervention. A public hearing was scheduled but the property owner withdrew his objection to the construction and the hearing was later cancelled and the matter submitted to the Commission for a decision.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, AT&T Wireless should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice,

the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by AT&T Wireless.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that AT&T Wireless has demonstrated that a facility is necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. AT&T Wireless is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility to be located at 5025 Alexandria Pike (US 27), Cold Spring, Campbell County, Kentucky. The coordinates for the proposed facility are North Latitude 39° 0' 20.15" by West Longitude 84° 25' 30.85".

2. AT&T Wireless shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 9th day of June, 1999.

By the Commission

ATTEST:

Executive Director